

FILED

2008 JAN 17 P 3:16

GALEN MEDICAL GROUP, P.C.,

Plaintiff,

V.

TRAVELERS CASUALTY and SURETY  
COMPANY OF AMERICA,

Defendant.

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

BY \_\_\_\_\_ DEPT. CLERK

No. **1 : 08CV - 014**

Collier/Lee

## NOTICE OF REMOVAL

Comes the defendant, Travelers Casualty and Surety Company of America, and submits this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446, and states as follows:

1. On or about December 12, 2007, plaintiff, Galen Medical Group, P.C., filed a Complaint styled Galen Medical Group, P.C. v. Travelers Casualty and Surety Company of America, No. 07-1057, in the Chancery Court of Hamilton County, Tennessee (the "State Court Action").

2. On or about December 18, 2007, service of process in the State Court Action was effected upon the defendant.

3. Defendant files herewith as Collective Exhibit A copies of all pleadings heretofore filed in the State Court Action and served upon defendant.

4. This Court has jurisdiction over this cause under 28 U.S.C. § 1332 and 28 U.S.C. § 1441, et seq. There is complete diversity of citizenship between the parties. Plaintiff is a corporation organized and existing under the laws of the State of Tennessee with its principal place of business at 5600 Brainerd Road, Suite H-100, Chattanooga, TN 37411. Defendant is a corporation organized and existing under the laws of the State of Connecticut with its principal place of business at One Tower Square, Hartford, CT 06183.

5. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. In its Complaint, plaintiff seeks a declaratory judgment for insurance coverage to be afforded by the defendant to the plaintiff under a Directors and Officers Protection PLUS+ Policy issued by plaintiff to defendant. Specifically, plaintiff requests relief with respect to allegations brought against it in the following lawsuits:

a. Michael Daubner, M.D. v. Galen Medical Group, P.C., Case No. V-05-1001, in the Circuit Court for Bradley County, Tennessee. The plaintiff in this case seeks damages, attorneys fees and costs incurred as a result of the alleged wrongful termination of his employment with Galen Medical Group, P.C.

b. Michael Daubner, M.D. v. Walter Parkhurst, M.D.; Barry Crabtree, M.D.; Donald Hartsfield, M.D.; Teddy Jacobson, M.D.; Mark McKenzie, M.D.; Larry Shuster, M.D.; Jay White, M.D.; and Munford Yates, M.D., Case No. V-06-892, in the Circuit Court for Bradley County, Tennessee. The plaintiff in this case seeks damages in the amount of \$1,000,000 as a result of the alleged wrongful termination of his employment with Galen Medical Group, P.C., and seeks treble damages pursuant to Tenn. Code Ann. § 47-50-109.

6. Defendant files herewith as Collective Exhibit B copies of the notices of removal which are being sent to plaintiff's counsel and to the Clerk and Master of the Chancery Court of Hamilton County, Tennessee, from whence this case is sought to be removed.

WHEREFORE, defendant prays that this cause proceed in this Court as an action properly removed hereto.

DATED: January 7, 2008.

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

By: 

John C. Harrison

BPR No. 7308

1800 Republic Centre

633 Chestnut Street

Chattanooga, TN 37450-1800

(423) 756-2010

Counsel for Travelers Casualty and Surety  
Company of America

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 17th day of January, 2008, caused a copy of the foregoing to be served upon the following counsel of record for the plaintiff in the above-styled cause:

Michael E. Richardson  
Horton, Maddox & Anderson, PLLC  
835 Georgia Avenue  
Suite 600  
Chattanooga, TN 37402

by deposit in the United States mail, postage prepaid and properly addressed.

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

By: 

John C. Harrison

Counsel for Travelers Casualty and Surety  
Company of America